

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO**

IN RE: : **Chapter 13 Proceedings**
Melinda A. Myers, : **Case No.: 20-61758**
Debtor. : **Judge Russ Kendig**

**TRUSTEE'S OBJECTION TO CONFIRMATION
OF CHAPTER 13 PLAN DATED NOVEMBER 30, 2020**

Now comes Dynele L. Schinker-Kuharich, Standing Chapter 13 Trustee, for the above captioned case and objects to Confirmation of the proposed Plan of the Debtor(s) on the following grounds.

Good Faith

The proposed Plan is in violation of 11 U.S.C. §1325(a)(3), which requires that the plan has been proposed in good faith and not by any means forbidden by law. Specifically, Debtor has indicated treatment of the 2017 Kia Sorento vehicle loan with Ally Bank to be paid direct with an interest rate at 15.14%. This loan can be modified in the Plan to pay an interest rate of 5.25% thereby possibly freeing up more for the general unsecured creditors.

Feasibility

11 U.S.C. §1325(a)(6) requires that the debtor(s) be able to make all payments under the Plan and to comply with the terms of the Plan. Debtor(s) is unable to comply with the terms of the proposed Plan because the proposed Plan payment does not pay all creditors as proposed by the Plan.

Delinquency

11 U.S.C. §1325(a)(2) requires payment of all amounts required to be paid under the proposed Plan to be paid prior to Confirmation. Debtor(s) has failed to make all payments under the proposed Plan as required. As such, the proposed Plan cannot be confirmed.

Other

An Amended Schedule I needs filed to reflect Debtor's employment change.

Debtor's Plan indicates that payments will be made directly, however, Debtor has not complied with Administrative Order 17-03.

Wherefore, for the foregoing reasons, Trustee prays that Confirmation of the Chapter 13 Plan be denied.

Respectfully submitted,

/s/ Dynele L. Schinker-Kuharich
Dynele L. Schinker-Kuharich (0069389)
Chapter 13 Trustee
A. Michelle Jackson Limas (0074750)
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CERTIFICATE OF SERVICE

I hereby certify that on May 11, 2021, a true and correct copy of the Objection to Confirmation of Chapter 13 Plan was served via the Court's Electronic Case Filing System upon these entities and individuals who are listed on the Court's Electronic Mail Notice List:

- Office of the United States Trustee at [RegisteredEmailAddress]@usdoj.gov
- Office of the Chapter 13 Trustee, at dlisk@Chapter13Canton.com
- Edward S. Lake, Counsel for Melinda A. Myers, at elake@ohiobankruptcyrelief.com

and by regular U.S. Mail, postage prepaid, upon:

Melinda A. Myers, Debtor
11035 Sagebrush Avenue NE
Uniontown, OH 44685

/s/ Dynele L. Schinker-Kuharich
Dynele L. Schinker-Kuharich
Chapter 13 Trustee